IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.17249 of 2004

Between:

J.R. Swamy, S/o Raghaiah,
APSRTC, Godavarikhani Bus Depot, Karimnagar District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Karimnagar Region,

Karimanagar District.
2 The Depot Manager, APSRTC, Godavarikhani Bus Depot,

Karimnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings No. 02/95 (57)/96-GDKN dated 6-3-1996 as illegal, arbitrary and unjust and consequently set aside the proceedings No. No. 02/95 (57)/96 -GDKN dated 6-3-1996 issued by the 2nd respondent.

Counsel for the Petitioner:MR.G.RAVI MOHAN, Advocate

Counsel for the Respondent No.:Smt.P.Rajani, SC for A.P.S.R.T.C.

The Court made the following :

O R D E R:

The petitioner is working as a conductor in the respondent-Corporation. The disciplinary action was taken against him and he was imposed a penalty of stoppage of one Annual Increment with cumulative effect. The learned counsel for the petitioner submits that the postponement of stoppage of one annual increment and with major penalty, and as the respondent did not conduct any enquiry before imposition of the punishment, the order of the respondent is liable to be set aside. The punishment was imposed on the petitioner in the year 1986. He did not choose to approach this Court for a period of eight years, now he came with the present grievance through this writ petition, seeking an order to set aside the order of punishment imposed by the respondent. This Court in **SK.MASTAN v. MANAGING DIRECTOR OF APSRTC** held that the imposition of punishment and postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry, having regard to the facts and circumstances of the case, and after following the above judgment, I am inclined to modify the punishment of stoppage of one increment with cumulative affect imposed on the petitioner into stoppage of one increment without cumulative effect.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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24th September 2004.

Mrb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Manager, APSRTC, Karimnagar Region,

Karimanagar District.

2 The Depot Manager, APSRTC, Godavarikhani Bus Depot,

Karimnagar District.

3. Two CD copies